

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Caitlin Schwartz	Team: Team # 3	CCRB Case #: 201402442	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/13/2014 8:05 AM	Location of Incident: 153 Marcus Garvey Boulevard	Precinct: 81	18 Mo. SOL 9/13/2015	EO SOL 9/13/2015	
Date/Time CV Reported Thu, 03/13/2014 2:53 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 03/13/2014 2:53 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT2 Peter Duva	03314	915657	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT2 Arthur Molnar	05554	904600	WARRSEC
2. DT3 Jaime Rosado	05776	914936	WARRSEC
3. DT3 Jason Garcia	02362	919084	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT2 Peter Duva	Abuse: Det. Peter Duva refused to provide his shield number to § 87(2)(b)	
B.DT2 Peter Duva	Force: Det. Peter Duva used physical force against § 87(2)(b)	
C.DT2 Peter Duva	Off. Language: Det. Peter Duva made remarks to § 87(2)(b) based upon her race.	
D.DT2 Peter Duva	Off. Language: Det. Peter Duva made remarks to § 87(2)(b) based upon her sex.	
E.DT2 Peter Duva	Abuse: Det. Peter Duva damaged § 87(2)(b)'s property.	

Case Summary

On March 13, 2014, at approximately 8:05 a.m., Det. Peter Duva of the Warrant Section, visited § 87(2)(b)'s apartment, § 87(2)(b), at § 87(2)(b) in Brooklyn. Det. Duva was accompanied by his partner, Det. Richard Farina, who has since retired from the service, and three other Warrant Section detectives: Det. Arthur Molnar, Det. Jaime Rosado and Det. Jason Garcia. Det. Duva visited § 87(2)(b)'s apartment as part of his assignment to apprehend § 87(2)(b) for whom he had an open I-card. § 87(2)(b) reported that she argued with Det. Duva, and denied him permission to enter her apartment. § 87(2)(b) asked for Det. Duva's shield number, and he allegedly ignored her request, only repeatedly telling her that he had a warrant, and showing her § 87(2)(b) mug shot (**Allegation A**). § 87(2)(b) alleged that when she tried to leave, Det. Duva pushed her against the wall by her shoulders and told her that she was not going anywhere (**Allegation B**). After that, when § 87(2)(b) walked toward the elevator to exit, Det. Duva allegedly told her, "Y'all niggers make everybody's job so difficult" (**Allegation C**). After § 87(2)(b) brought her daughters to school, she saw the detectives outside of her building upon her return. She told them that she thought that they were going to wait for her to get back. She alleged that at this point, Det. Duva told her, "Shut the hell up, bitch, shut the hell up" (**Allegation D**). When § 87(2)(b) got back upstairs to her apartment, she noticed damage to the door to her apartment. It appeared to have been kicked in at the bottom, and light from her apartment shone out of it (**Allegation E**). She found that she could no longer enter her apartment due to the damage. As she lives in a NYCHA building, § 87(2)(b) called her development's management for maintenance to her door, which was subsequently conducted so that she could gain access to her apartment.

Mediation, Civil and Criminal Histories

- On March 21, 2014, during her CCRB interview, § 87(2)(b) was offered mediation, but opted for an investigation.
- As of October 7, 2014, § 87(2)(b) had not filed a notice of claim regarding this incident (encl. 9H).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b)
[REDACTED]
[REDACTED]
[REDACTED]
- Det. Duva has been a member of the NYPD for 19 years, and has had 15 previous CCRB allegations involving six cases with no substantiated allegations. § 87(2)(g)
[REDACTED]

Civilian Statement Complainant/Victim

§ 87(2)(b) (**Encl. 2B-G**)

- On March 21, 2014, § 87(2)(b) was interviewed at the CCRB. Her statement was generally consistent with her original complaint and her previous CCRB telephone

statement, although in the telephone statement, she did not allege that Det. Duva made any offensive remark to her based upon her race.

- § 87(2)(b) is 5'9" and 190 lbs. She was approximately eight months pregnant at the time of this incident.
- § 87(2)(b) knew that Det. Duva and his companions came to her apartment looking for § 87(2)(b) who is § 87(2)(b)'s daughter's cousin. § 87(2)(b) told the detectives that she did not want them to come inside her apartment.
- § 87(2)(b) left to bring her daughters to school, and when she returned to her apartment, she could not get inside. The bottom of the door appeared to have been kicked in, allowing light to shine out from her apartment. § 87(2)(b) called her NYCHA housing development for maintenance work to be performed on her door, and it was subsequently completed.

Witnesses

During her CCRB interview, § 87(2)(b) stated that she believed that some of her neighbors could have witnessed this incident. She did not know these neighbors' real names or phone numbers, but provided their apartment numbers in her building. On April 7, 2014; May 13, 2014; June 12, 2014; and July 11, 2014; the residents of these apartments were mailed please call letters, none of which were returned to the CCRB as undeliverable by the U.S. Postal Service. However, no potential witness contacted the investigation in response to said letters.

NYPD Statements

Subject Officer: DET. PETER DUVA (Encl. 3A-F)

- On July 23, 2014, Det. Duva was interviewed at the CCRB.
- On the incident date, Det. Duva was assigned to apprehend § 87(2)(b). He first visited § 87(2)(b) at § 87(2)(b). § 87(2)(b) told Det. Duva that she had not seen § 87(2)(b) but he had some friends in the building, particularly on the second floor and in Apartment § 87(2)(b). As § 87(2)(b) could not specify an apartment on the second floor, Det. Duva proceeded to visit Apartment § 87(2)(b) where he encountered § 87(2)(b).
- § 87(2)(b) told the detectives that she did not want them to come into her apartment. After she left with her kids, Det. Duva believed that he heard a male voice inside § 87(2)(b)'s apartment. The entrance door to § 87(2)(b)'s apartment appeared to Det. Duva to be extensively worn and damaged, but he did not specifically notice whether there was damage to the bottom of the door. Det. Duva knocked on the door and kicked it in a manner he described as lightly and intended to attract the occupant's attention.
- Det. Duva did not hear § 87(2)(b) ask for his shield number. He did not recall her requesting any information from him. He denied pushing her against the wall, or telling her, "Y'all niggers make everybody's job so difficult." Det. Duva did not recall having any interaction with § 87(2)(b) after she left the § 87(2)(b) floor of her building. At no point did he tell § 87(2)(b) "Shut the hell up, bitch, shut the hell up."

Additional Officers

- On December 5, 2014, Det. Molnar and Det. Rosado were interviewed at the CCRB (encl. 4D-E, 5D-E). They did not recall § 87(2)(b) asking for Det. Duva's name and shield number. They denied that Det. Duva pushed § 87(2)(b) against the wall, or told her, "Y'all niggers make everybody's job so difficult." They did not believe that the detectives saw § 87(2)(b) again after she got into the elevator, or hear Det. Duva tell her, "Shut the hell up,

bitch, shut the hell up,” at any point. After § 87(2)(b) got into the elevator, Det. Duva believed that he heard someone inside her apartment. Det. Molnar and Det. Rosado did not hear anything, but they were farther from the door. Det. Duva and Det. Farina knocked on the door. Det. Molnar denied that Det. Duva or Det. Farina kicked the door. Det. Molnar did not notice any damage to the door, and Det. Rosado did not recall whether he did.

Finding and Recommendations

Explanation of Subject Officer Identification

Det. Duva acknowledged his interaction with § 87(2)(b) as he was the officer investigating this case. He also matched § 87(2)(b)'s description of the officer that refused to provide her with his shield number, pushed her against the wall, and made offensive remarks to her based on her race and sex § 87(2)(g). § 87(2)(b) alleged that upon returning to her apartment, she noticed that its door had been damaged. Det. Duva confirmed that he kicked § 87(2)(b)'s door when he believed that he heard someone inside her apartment. § 87(2)(g).

Recommendations

Allegation A—Abuse of Authority: Det. Peter Duva refused to provide his shield number to § 87(2)(b)

Allegation B—Force: Det. Peter Duva used physical force against § 87(2)(b)
Det. Duva, Det. Molnar and Det. Rosado's statements were all consistent that § 87(2)(b) was irate immediately upon seeing the detectives, and refused to engage in any conversation with them. She immediately insisted that they could not come into her apartment. § 87(2)(b) could not specify the point of the incident when she asked Det. Duva for his shield number, but said that Det. Duva only repeated that he had a warrant, and did not provide the requested information. Det. Duva, Det. Molnar and Det. Rosado all denied that § 87(2)(b) requested Det. Duva's shield number. § 87(2)(b) alleged that after she told Det. Duva that the detectives could not come inside her apartment, he used both hands to push § 87(2)(b) against the wall by her shoulders and told her that she was not going anywhere. Det. Duva, Det. Molnar and Det. Rosado also denied that Det. Duva pushed § 87(2)(b) against the wall or made any physical contact with her. § 87(2)(b) believed that some of her neighbors may have witnessed the incident, but the investigation did not receive any response to its attempts to contact them. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation C—Offensive Language: Det. Peter Duva made remarks to § 87(2)(b) based upon her race.

Allegation D—Offensive Language: Det. Peter Duva made remarks to § 87(2)(b) based upon her sex.

§ 87(2)(b) alleged that after Det. Duva pushed her against the wall, he remarked, “Y’all niggers make everybody’s job so difficult.” Det. Duva, Det. Molnar and Det. Rosado denied that Det. Duva or any other officer made this remark or said anything similar. § 87(2)(b) believed that some of her neighbors may have witnessed this part of the incident, but the investigation did not receive any response to its attempts to contact them.

§ 87(2)(b) also said that when she returned to her building after dropping her daughters off at school, she saw the detectives outside her building, and told them that she thought they were going to wait for her to come back. She alleged that Det. Duva responded, “Shut the hell up, bitch, shut the hell up.” Det. Duva, Det. Molnar and Det. Rosado did not recall seeing § 87(2)(b) again after she left in the elevator. Det. Duva, Det. Molnar and Det. Rosado denied that Det. Duva made such a remark at any point, or used any profanity toward § 87(2)(b). § 87(2)(b) said that people in her neighborhood witnessed the later interaction, but although she knew them from growing up there, she could not provide any names or contact information.

§ 87(2)(g)

Allegation E—Abuse of Authority: Det. Peter Duva damaged § 87(2)(b) s property.

§ 87(2)(b) said that when she returned to her apartment, it appeared that the bottom of her door had been kicked in, allowing some of the light from inside the apartment to shine out of it. The damage prevented her from being able to gain access to her apartment, so she called her housing development to have maintenance work performed to fix the door. On February 2, 2015, § 87(2)(b), § 87(2)(b), where § 87(2)(b) lives, provided the undersigned investigator with a copy of the work order filed by § 87(2)(b) immediately after this incident. The entrance door to § 87(2)(b) s apartment was repaired after § 87(2)(b) reported that she could not get into her apartment because the door was kicked in. The work order does not include specific details of the repair, but notes that the damage was satisfactorily repaired (encl. 7G-I).

Det. Duva stated that after § 87(2)(b) left, he believed that he heard someone inside her apartment. To prompt the potential occupant to come to the door, he knocked on it, and also kicked it lightly. Det. Duva specified that he kicked the door in order for the occupant to hear him, not to break it down. Det. Rosado and Det. Molnar recalled that Det. Duva and Det. Farina knocked on the door, but Det. Molnar denied that they kicked it. No one came to the door, and the detectives left. Det. Duva testified that the door to § 87(2)(b) s apartment was in overall poor condition upon the detectives’ arrival. It appeared extensively dented, and seemed to Det. Duva that other police officers or civilians had tried to break it down before. He did not notice whether there was any damage to the bottom of the door in particular. Det. Molnar did not notice any mentionable damage to the door, and Det. Rosado did not recall whether he did.

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date